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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,839

12/15/2004

Young Il Park

3449-0418PUS1

9010

2292

7590

08/04/2006

BIRCH STEWART KOLASCH & BIRCH

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EXAMINER

NGUYEN, TRAN N

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/517,839

Applicant(s)

PARK, YOUNG II

Examiner

Tran N. Nguyen

Art Unit

2834

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attachment. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-19.
Claim(s) withdrawn from consideration: _____.

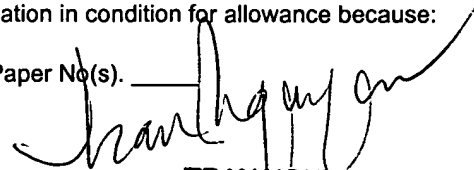
AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

*See attachment & detail
office action*


TRAN NGUYEN
PRIMARY EXAMINER

DETAILED ACTION

Proposal Amendment

The proposal amendments, filed on 7/13/06, will **not** be entered because they raise new issue *regarding the rotator in which the coil is placed covers all of the back side and outer upper circumference of the coil* that would require new search and re-consideration because of newly added limitation featuring the structure of the rotator covering the outer upper circumference of the coil.

Response to Arguments

Regarding the applicant's argument that JP' 570 rotator clearly does not cover the outer circumference of coil 2. In fact, as shown in Figs. 2 and 5-7, the outer circumference of coil 2 is completely uncovered.

The applicant's attention is drawn to JP'570 figures 2, 5-6 and 8-11 *with marked up copies included herein the Office action*. The applicant is strongly suggested to study these drawings. The JP'570 does show the rotator (r) with the resin/insulating-molded base ((9) in fig 2, or 28 of figs 5-6 and 8-11) that covers all the backside and outer circumference of the coils ((8) in fig 2, or 27 of figs 5-6 and 8-11). As understood the recitation, JP'570 does show "*the rotator in which the coil is placed covers all of the back side and outer circumference of the coil*", wherein the term "outer circumference" is read as the circumferential side that surrounding the outside of the coil.

In fact, it seems that the applicant realizing the JP'570 does disclose the claimed features of *the rotator in which the coil is placed covers all of the back side and outer circumference of the coil*; therefore, the applicant proposal amendment attempt to overcome the JP'570 by newly adding that the rotator cover the outer upper circumference of the coil. This newly added limitations require new search and reconsideration.

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The applicant alleged that because the Examiner apparently realizing that JP' 570 does not cover the outer circumference of coil 2, (notice: again, this is a wrongly allegation, as just pointing out in the Examiner's above response); thereof, the Office Action takes Official Notice that the practice of protecting the coils by molding to cover all of the coil's sides is well known in the art and references three patents in this regard. This use of three alternative secondary references is completely contrary to the express requirement in MPEP gj706.02(I) and 904.03 for the Examiner to select and apply only the best reference in rejecting the pending claims.

In response to this baselessly argument, by no means, the Examiner tried to compensate for any inadequacy in the rejection because there is no inadequacy in the rejections. The JP'570 does show the rotator (*r*) with the resin/insulating-molded base ((9) in fig 2, or 28 of figs 5-6 and 8-11) that covers all the backside and outer circumference of the coils ((8) in fig 2, or 27 of figs 5-6 and 8-11).

Also, the Examiner's taking Official Notice that *the practice of protecting the coils by molding to covering the coil's sides is well known in the art* because, as factually stated and repeated herein, the practice of protecting the coils by molding to cover of the coil's sides is well known in the art, i.e., it is common practice, i.e., it is not innovative.

Furthermore, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991). In fact, in this case, the large number of references disclose the same claimed features of the present invention only means one thing that is the features as recited in the claims are so obvious and commonly known in the art. Hence, the Examiner cited and applied, individually, three different references to provide evidence supports the Examiner's Official Notice statement, not because of any baselessly allegations as argued by the applicant.

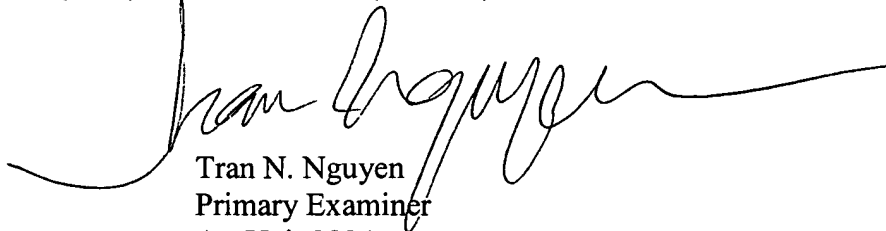
In conclusion, the office Action is found to accomplish the purpose of setting a prima facie case by providing objective factual evidence that explains the reasons of rejections under 35 U.S.C. 103(a) which forms the basis for all obviousness. **Therefore, the rejections against all the claims in the Final Office Action are hereby maintained.**

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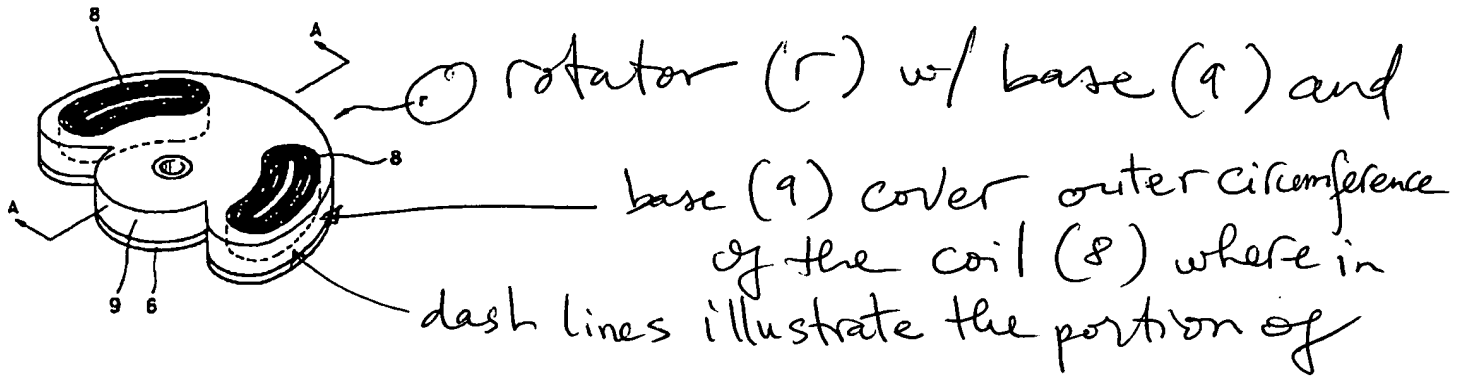
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N. Nguyen whose telephone number is (571) 272-2030. The examiner can normally be reached on M-F 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tran N. Nguyen
Primary Examiner
Art Unit 2834



the coil being covered by
the rotator's base (9)

Thus, the rotator does

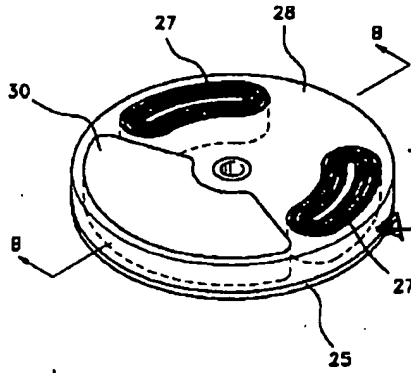
covers the outer circumference
of the coil

TRAN NGUYEN
PRIMARY EXAMINER

attachment

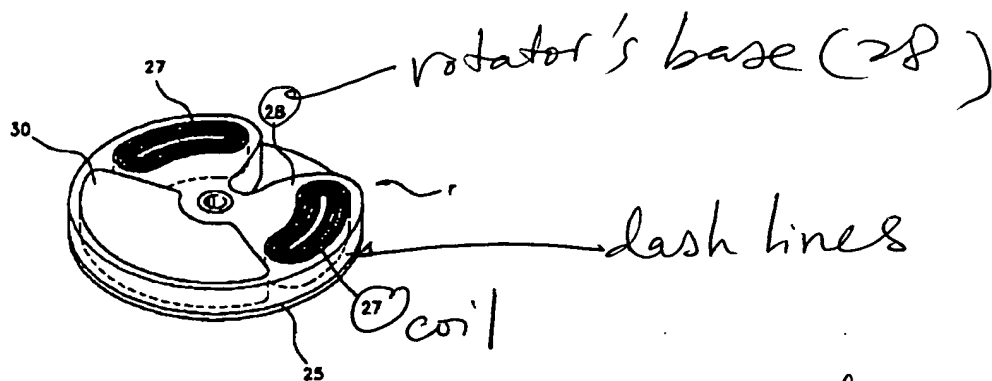
6 pages

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PRIMARY EXAMINER

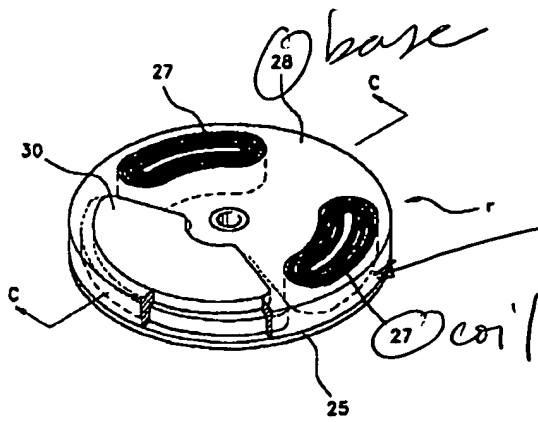
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Thus, rotator does covers
the outer circumference of
the coil

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3.86

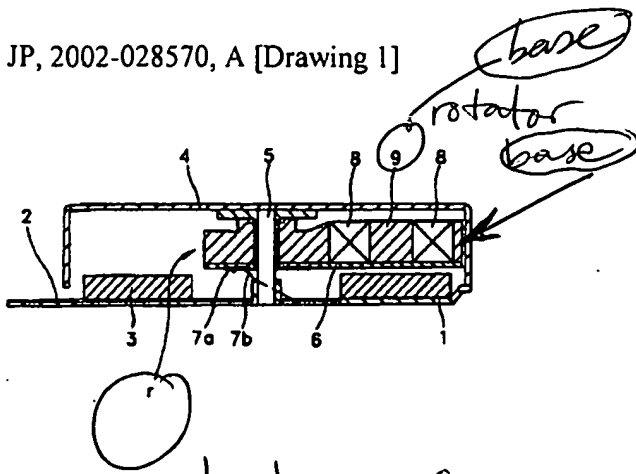


Again

dash lines illustrate
rotator covers
outer circumference
portion of the coil

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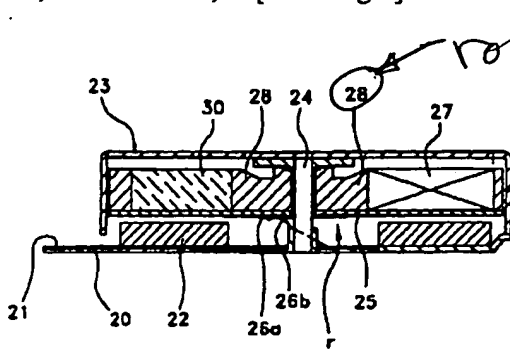
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Rotator (r) with resin base (9)
 extended around coil (8);
 therefore, covers the outer
Circumference of the coil

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 PRIMARY EXAMINER

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rotator's base surrounds the
(28) coil (27)

again showing

rotator covers circumference
outside of the coil —

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